
HOUSE BILL 3332

State of Washington 60th Legislature 2008 Regular Session

By Representatives Conway, Green, Grant, Pettigrew, Sullivan,
Fromhold, Priest, Simpson, and Kenney

Read first time 02/01/08. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to financial negotiations between civil service
2 unions and institutions of higher education following October 1st; and
3 amending RCW 41.80.010.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 41.80.010 and 2002 c 354 s 302 are each amended to
6 read as follows:

7 (1) For the purpose of negotiating collective bargaining agreements
8 under this chapter, the employer shall be represented by the governor
9 or governor's designee, except as provided for institutions of higher
10 education in subsection (4) of this section.

11 (2)(a) If an exclusive bargaining representative represents more
12 than one bargaining unit, the exclusive bargaining representative shall
13 negotiate with each employer representative as designated in subsection
14 (1) of this section one master collective bargaining agreement on
15 behalf of all the employees in bargaining units that the exclusive
16 bargaining representative represents. For those exclusive bargaining
17 representatives who represent fewer than a total of five hundred
18 employees each, negotiation shall be by a coalition of all those
19 exclusive bargaining representatives. The coalition shall bargain for

1 a master collective bargaining agreement covering all of the employees
2 represented by the coalition. The governor's designee and the
3 exclusive bargaining representative or representatives are authorized
4 to enter into supplemental bargaining of agency-specific issues for
5 inclusion in or as an addendum to the master collective bargaining
6 agreement, subject to the parties' agreement regarding the issues and
7 procedures for supplemental bargaining. This section does not prohibit
8 cooperation and coordination of bargaining between two or more
9 exclusive bargaining representatives.

10 (b) This subsection (2) does not apply to exclusive bargaining
11 representatives who represent employees of institutions of higher
12 education, except when the institution of higher education has elected
13 to exercise its option under subsection (4) of this section to have its
14 negotiations conducted by the governor or governor's designee under the
15 procedures provided for general government agencies in subsections (1)
16 through (3) of this section.

17 (c) If five hundred or more employees of an independent state
18 elected official listed in RCW 43.01.010 are organized in a bargaining
19 unit or bargaining units under RCW 41.80.070, the official shall be
20 consulted by the governor or the governor's designee before any
21 agreement is reached under (a) of this subsection concerning
22 supplemental bargaining of agency specific issues affecting the
23 employees in such bargaining unit.

24 (3) The governor shall submit a request for funds necessary to
25 implement the compensation and fringe benefit provisions in the master
26 collective bargaining agreement or for legislation necessary to
27 implement the agreement. Requests for funds necessary to implement the
28 provisions of bargaining agreements shall not be submitted to the
29 legislature by the governor unless such requests:

30 (a) Have been submitted to the director of the office of financial
31 management by October 1 prior to the legislative session at which the
32 requests are to be considered. However, with respect to institutions
33 of higher education only, if the parties to a collective bargaining
34 agreement have not reached agreement by October 1st, and they have
35 engaged the mediation or fact-finding services of the public employment
36 relations commission, the governor shall submit a request for funds
37 equivalent to the employer's last pre-October 1 offer. If the eventual
38 settlement exceeds the request for funds, the governor shall submit a

1 supplementary request for the balance to the legislature in conjunction
2 with the governor's supplementary budget request for the following
3 legislative session; and

4 (b) Have been certified by the director of the office of financial
5 management as being feasible financially for the state.

6 In the case of a bargaining unit of employees in which the
7 exclusive bargaining representative is certified during or after the
8 conclusion of a legislative session, the legislature may act upon the
9 compensation and fringe benefit provisions of the unit's initial
10 collective bargaining agreement if those provisions are agreed upon and
11 submitted to the office of financial management and legislative budget
12 committees prior to final legislative action on the budget or
13 supplementary budget by the sitting legislature or the succeeding
14 legislature as the case may be.

15 The legislature shall approve or reject the submission of the
16 request for funds as a whole. The legislature shall not consider a
17 request for funds to implement a collective bargaining agreement unless
18 the request is transmitted to the legislature as part of the governor's
19 budget document submitted under RCW 43.88.030 and 43.88.060. If the
20 legislature rejects or fails to act on the submission, either party may
21 reopen all or part of the agreement or the exclusive bargaining
22 representative may seek to implement the procedures provided for in RCW
23 41.80.090.

24 (4) For the purpose of negotiating agreements for institutions of
25 higher education, the employer shall be the respective governing board
26 of each of the universities, colleges, or community and technical
27 colleges or a designee chosen by the board to negotiate on its behalf.
28 A governing board may elect to have its negotiations conducted by the
29 governor or governor's designee under the procedures provided for
30 general government agencies in subsections (1), (2), and (3) of this
31 section. Prior to entering into negotiations under this chapter, the
32 institutions of higher education or their designees shall consult with
33 the director of the office of financial management regarding financial
34 and budgetary issues that are likely to arise in the impending
35 negotiations. If appropriations are necessary to implement the
36 compensation and fringe benefit provisions of the bargaining agreements
37 reached between institutions of higher education and exclusive
38 bargaining representatives agreed to under the provisions of this

1 chapter, the governor shall submit a request for such funds to the
2 legislature according to the provisions of subsection (3) of this
3 section.

4 (5) There is hereby created a joint committee on employment
5 relations, which consists of two members with leadership positions in
6 the house of representatives, representing each of the two largest
7 caucuses; the chair and ranking minority member of the house
8 appropriations committee, or its successor, representing each of the
9 two largest caucuses; two members with leadership positions in the
10 senate, representing each of the two largest caucuses; and the chair
11 and ranking minority member of the senate ways and means committee, or
12 its successor, representing each of the two largest caucuses. The
13 governor shall periodically consult with the committee regarding
14 appropriations necessary to implement the compensation and fringe
15 benefit provisions in the master collective bargaining agreements, and
16 upon completion of negotiations, advise the committee on the elements
17 of the agreements and on any legislation necessary to implement the
18 agreements.

19 (6) If, after the compensation and fringe benefit provisions of an
20 agreement are approved by the legislature, a significant revenue
21 shortfall occurs resulting in reduced appropriations, as declared by
22 proclamation of the governor or by resolution of the legislature, both
23 parties shall immediately enter into collective bargaining for a
24 mutually agreed upon modification of the agreement.

25 (7) After the expiration date of a collective bargaining agreement
26 negotiated under this chapter, all of the terms and conditions
27 specified in the collective bargaining agreement remain in effect until
28 the effective date of a subsequently negotiated agreement, not to
29 exceed one year from the expiration date stated in the agreement.
30 Thereafter, the employer may unilaterally implement according to law.

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